

SUBCHAPTER A—GENERAL

PART 1—GENERAL PROVISIONS

Subpart 1.01—Delegation of Authority

Sec.

- 1.01-1 District Commander.
- 1.01-20 Officer in Charge, Marine Inspection.
- 1.01-30 Captains of the Port.
- 1.01-40 Delegation to the Vice Commandant.
- 1.01-50 Delegation to District Commander, Seventeenth Coast Guard District.
- 1.01-60 Delegations for issuance of bridge permits.
- 1.01-70 CERCLA delegations.
- 1.01-80 FWPCA and OPA 90 delegations.
- 1.01-85 Redelegation.
- 1.01-90 Commissioned, warrant, and petty officers.

Subpart 1.05—Rulemaking

- 1.05-1 Delegation of rulemaking authority.
- 1.05-5 Marine Safety Council.
- 1.05-10 Regulatory process overview.
- 1.05-15 Public participation.
- 1.05-20 Petitions for rulemaking.
- 1.05-25 Public docket.
- 1.05-30 Advance notice of proposed rulemaking (ANPRM).
- 1.05-35 Notice of proposed rulemaking (NPRM).
- 1.05-40 Supplemental notice of proposed rulemaking (SNPRM).
- 1.05-45 Interim rule.
- 1.05-50 Final rule.
- 1.05-55 Direct final rule.
- 1.05-60 Negotiated rulemaking.

Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

- 1.07-1 Purpose.
- 1.07-5 Definitions.
- 1.07-10 Reporting and investigation.
- 1.07-11 Notice of violation.
- 1.07-15 Hearing Officer.
- 1.07-20 Initiation of action.
- 1.07-25 Preliminary matters.
- 1.07-30 Disclosure of evidence.
- 1.07-35 Request for confidential treatment.
- 1.07-40 Counsel.
- 1.07-45 Location of hearings and change of venue.
- 1.07-50 Witnesses.
- 1.07-55 Hearing procedures.
- 1.07-60 Records.
- 1.07-65 Hearing Officer's decisions.
- 1.07-70 Right to appeal.
- 1.07-75 Action on appeals.
- 1.07-80 Reopening of hearings.
- 1.07-85 Collection of civil penalties.
- 1.07-90 Criminal penalties.
- 1.07-95 Civil and criminal penalties.

- 1.07-100 Summons in lieu of seizure of commercial fishing industry vessels.

Subpart 1.08—Written Warnings by Coast Guard Boarding Officers

- 1.08-1 Applicability.
- 1.08-5 Procedures.

Subpart 1.10—Public Availability of Information

- 1.10-1 Official records and documents.
- 1.10-5 Public availability of records and documents.

Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

- 1.20-1 Testimony by Coast Guard personnel and production of records.

Subpart 1.25—Fees and Charges for Certain Records and Services

- 1.25-1 Purpose.
- 1.25-30 Exceptions.
- 1.25-40 Fees for services for the public.
- 1.25-45 Special admeasurement services.
- 1.25-48 Oceanographic research.
- 1.25-80 Payment of fees, charges or sales.

Subpart 1.26—Charges for Duplicate Medals, and Sales of Personal Property, Equipment or Services and Rentals

- 1.26-1 Purpose.
- 1.26-5 Replacement of medals.
- 1.26-10 Sales to Coast Guard Auxiliary.
- 1.26-15 Sales of nonexcess personal property and services.
- 1.26-20 Sales to eligible foreign governments.
- 1.26-25 Payment of charges.

Subpart 1.01—Delegation of Authority

AUTHORITY: 14 U.S.C. 633; 33 U.S.C. 401, 491, 525, 1321, 2716, and 2716a; 42 U.S.C. 9615; 49 U.S.C. 322; Department of Homeland Security Delegation No. 0170.1; section 1.01-70 also issued under the authority of E.O. 12580, 3 CFR, 1987 Comp., p. 193; and sections 1.01-80 and 1.01-85 also issued under the authority of E.O. 12777, 3 CFR, 1991 Comp., p. 351.

§ 1.01-1 District Commander.

Final authority for the performance within the confines of his district of

§ 1.01-20

the functions of the Coast Guard, which in general terms are maritime law enforcement, saving and protecting life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations, is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of units under the District Commander for the performance of the functions of law enforcement, patrol of marine regattas and parades, and the saving of life and property which come within the scope of their activities.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948]

§ 1.01-20 Officer in Charge, Marine Inspection.

(a) Officers in Charge, Marine Inspection (OCMI), have been designated and delegated to perform, within each OCMI's jurisdiction, the following functions: Inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to safe construction, equipment, manning, and operation and that they are in a seaworthy condition for the services in which they are operated; shipyard and factory inspections; the investigation of marine casualties and accidents; the licensing, certificating, shipment and discharge of seamen; the investigating and initiating of action in cases of misconduct, negligence, or incompetence of merchant marine officers or seamen; and the enforcement of vessel inspection, navigation, and seamen's laws in general. Specific procedures for appealing the decisions of the Officer in Charge, Marine Inspection, or of his subordinates are set forth in 46 CFR parts 1 to 4.

(b) The Commanding Officer of the National Maritime Center has been designated and delegated the same authority as an OCMI for the purpose of carrying out the following marine safety functions pursuant to the provisions of 46 CFR Subchapter B:

(1) Licensing, credentialing, certificating, shipment and discharge of seamen;

(2) Referring to the processing Regional Examination Center (REC) or

33 CFR Ch. I (7-1-08 Edition)

cognizant OCMI potential violations of law, negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding merchant mariner's documents, licenses, certificates or credentials issued by the Coast Guard, and recommending suspension or revocation under 46 U.S.C. Chapter 77 when deemed appropriate; and

(3) Granting, withholding, suspending, or withdrawing course approvals.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948; as amended by USCG-1998-3799, 63 FR 35525, June 30, 1998; USCG-2006-25535, 72 FR 7929, Feb. 22, 2007]

§ 1.01-30 Captains of the Port.

Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution; and ports and waterways safety.

[CGD-225, 59 FR 66484, Dec. 27, 1994]

§ 1.01-40 Delegation to the Vice Commandant.

The Commandant delegates to the Vice Commandant authority to take final agency action under 46 CFR part 5, Subparts I, J and K on each petition to reopen a hearing and on each appeal from a decision of an Administrative Law Judge, except on petition or appeal in a case in which an order of revocation has been issued. This delegation does not prevent the Vice Commandant from acting as Commandant, as prescribed in 14 U.S.C. 47(a), for all purposes of 46 CFR part 5.

[CGD 85-071, 51 FR 22805, June 23, 1986, as amended by CGD 97-023, 62 FR 33361, June 19, 1997]

§ 1.01-50 Delegation to District Commander, Seventeenth Coast Guard District.

The Commandant redelegates to the District Commander, Seventeenth Coast Guard District, the authority in 46 U.S.C. 3302(i)(1) to issue permits to